

UNIFIED JUDICIAL SYSTEM

Policy 125

September 3, 2003

ASSISTING SELF-REPRESENTED PARTIES

A. Policy.

The North Dakota judicial system policy is that those seeking access to court services receive appropriate assistance and direction from clerks of court, clerk staff, and other court personnel. Assistance and direction will be provided in a manner that ensures adequate information is available, but acknowledges limitations concerning the scope of assistance that can be provided.

B. General Guidelines.

Assistance and direction made available to self-represented parties must comply with the following general guidelines:

1. Court staff must be prepared to explain court administrative and procedural processes to parties, the media, and other interested citizens.
2. Court staff cannot advise parties whether to bring their problems before the courts, or what remedies to seek.
3. Court staff must abide by the absolute duty of treating all equally.
4. Court staff must adhere to the basic principle that neither parties nor their attorneys may communicate with the judge without the opportunity for the other party to be present.

C. Implementation of General Guidelines - Limitations.

1. Court staff may explain how the court works and answer questions about court operations.
2. Court staff may provide general information about court rules, procedures, and practices and may provide information regarding case scheduling.
3. Court staff may provide samples of available court forms.
4. Court staff cannot tell a person what specific words must be used in court filings.

5. Court staff cannot offer guidance to a party concerning what to say in court, nor can court staff offer an opinion about the consequence of filing a particular case.
6. Court staff cannot contact a judge on behalf of a party or potential party regarding the substance or merits of a case, nor can court staff change an order signed by a judge.

D. Education and Support.

Appropriate educational programs for court staff and supporting written materials must be developed to ensure adequate implementation of this policy. The Chief Justice will designate the entity responsible for developing supporting written materials for assistance provided under this policy. The Continuing Judicial Education Commission is responsible for development of appropriate educational programs based on the written support material.

Approved by the Supreme Court on 09/03/03